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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/519,459 | 01/04/2006 | Herbert Papousek | 4301-1123 | 2660 |

466 7590 01/11/2007
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| EXAMINER |
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HEWITT, JAMES M

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| ART UNIT | PAPER NUMBER |
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3679

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
|--|------------|---------------|
| 3 MONTHS | 01/11/2007 | PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/519,459 | PAPOUSEK, HERBERT | |
| | Examiner | Art Unit | |
| | James M. Hewitt | 3679 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>12/29/04 & 3/29/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

The disclosure is objected to because of the following informalities:

The replacement paragraphs filed 12/29/04 have not been entered as they are not in compliance with 37 CFR 1.121, which requires replacement paragraphs to include markings to show changes relative to the immediate prior version of the paragraph.

The appropriate section headings (i.e. Background of the Invention, Summary of the Invention, etc.) are missing.

The references to claim 1, the claimed invention and the dependent claims should be deleted.

Appropriate correction is required.

Claim Objections

Claims 12-20 are objected to because of the following informalities:

Claim 12 is objected to under 37 CFR 1.75(i), which states "Where a claim sets forth a plurality of elements or steps, each element or step of the claim should be separated by a line indentation."

In claim 12, line 14, "cylindrically (12)" should be "cylindrically".

In claim 16, line 3, "especially" should be deleted for clarity.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 12-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 12, the use of the term "and/or" renders the claim indefinite.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 12-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Mantelle et al (US 4,373,750).

In Figure 8, Mantrelle et la discloses a coupling of drill anchors with a sleeve (3) with an inside thread and with two anchor pipes which bear an outside thread and which are screwed into the sleeve from opposing sides, essentially in the lengthwise middle of the sleeve there being an annular rib which projects to the inside, the front surfaces (6) of the ends of the anchor pipes, which ends are held in the sleeve, being located in the area of the annular rib and directly adjoining one another, and the outside surfaces of

the ends of the anchor pipes adjoining the inner end surface of the annular rib, forming a seal, characterized in that the annular rib has a cylindrical inner end surface, that the outside surfaces of the cylindrically shaped, thread-free ends of the anchor pipes adjoin the inner end surface of the annular rib, forming a seal, that the front surfaces of the anchor pipes have a chamfer ('V' and inverted 'V') inside and/or outside, that there is at least one annular seal (22) on the annular rib, and that the anchor pipes with the chamfers on the outside edge of their front surfaces adjoin the annular seal; wherein the front surfaces of the anchor pipes adjoin one another to form a seal; wherein in the sleeve on either side of the annular rib there are areas which have no inside thread; wherein the side surfaces of the annular rib are aligned normally to the axis of the sleeve; wherein the side surfaces of the annular rib with radii pass into the inside surface of the sleeve, especially into segments which are free of threads, wherein the front surfaces of the anchor pipes have a chamfer inside; wherein the width of the annular rib measured in the direction of the axis of the sleeve is essentially the same size as the sum of the lengths of the cylindrically shaped, thread-free ends of the anchor pipes, that is, lengths measured in the lengthwise direction of the anchor pipes; wherein the annular seal (22) is inserted into an annular groove which is open to the inside in the cylindrical inner end surface of the annular rib.

Conclusion

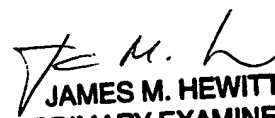
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James M. Hewitt whose telephone number is 571-272-7084.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Stodola can be reached on 571-272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JMH
1/8/06


JAMES M. HEWITT
PRIMARY EXAMINER